

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:08-CR-325-D  
No. 5:10-CV-304-D  
No. 5:16-CV-196-D

LARRY BRUCE GREGORY, )  
 )  
Petitioner, )  
 )  
v. )  
 )  
UNITED STATES OF AMERICA, )  
 )  
Respondent. )  
 )

**ORDER**

The court GRANTS Larry Bruce Gregory's ("Gregory") motion to withdraw [D.E. 64] his motion to vacate at [D.E. 60], and GRANTS his second motion to vacate his sentence [D.E. 65]. After the United States Probation Office prepares a new Presentence Investigation Report ("PSR"), the court will hold a new sentencing hearing and resentence Gregory. The court notifies the parties that it is considering an upward departure under U.S.S.G. § 4A1.3. See Fed. R. Crim. P. 32(h); U.S.S.G. § 4A1.3(a)(1).

SO ORDERED. This 20 day of October 2016.

  
JAMES C. DEVER III  
Chief United States District Judge